

REMARKS

This amendment is in response to the Office Action of August 24, 2005.

Regarding Paragraphs 1 through 3, while not believing there is any statutory basis for the position of paragraph 3, Applicant has deleted "frontally" from the claim.

Regarding Paragraph 4, Examiner's suggested revision has been adopted in the amended claim 5.

As Examiner well knows from a careful reading of the disclosure and Applicant's prior response, the present invention overcomes the shortcomings of the prior art by providing a highly mobile spraying unit wherein the movement may be readily and accurately controlled to enable clear defined spraying patterns. This is facilitated foremost by the location of the spray pattern within the forward view of the operator, by the versatility in selecting the operative nozzles, by the ability to provide clear edging with the spray shield, and by the maneuverability of a zero turn radius drive unit. This is in contrast to the spray units wherein the spray nozzles are behind the operator and accordingly not visible during application. This is evidenced by the Conley reference that was cited on page 2 of Applicant's disclosure.

Notwithstanding the foregoing, once again all pending claims have been rejected using Conley as a sole reference under 35 USC 102 regarding claims 2-4 and 12, or as primary reference under 35 USC 103 regarding claims 1, 5-11 and 13. The applicability was extensively discussed in the prior amendment. Examiner has admitted the deficiencies. Conley has a rear mounted spraying apparatus with the limitations discussed in the specification. The rear mounting is not on the front frame and the spray is

not within the forward vision of the operator. Examiner has sought to overcome the admitted deficiencies by opining that “the device can be modified to a walk behind sprayer and the changes necessary are readily done by one skilled in the art” and “would include mounting the sprayers in front such that the operator is not sprayed during use”. This is without factual basis. While it is accurate as to suggesting, but not teaching or disclosing, a walk behind mower, there is no basis for such verbiage relating to anything other than changing the type of mower. The disclosed rearward location of the disclosed spray apparatus could readily be incorporated in a walk behind mower. No further change is necessary or contemplated by the reference. Examiner’s attempt to use the noted statements to overcome the claim language finds motivation only through improper hindsight use of Applicant’s disclosure. Applicant is confident that supervisory or appellate review will establish that Conley will not support Examiner’s position under accepted legal standards for anticipation or obviousness. Accordingly, Applicant submits that the claims herein, claims 1-13, are patentable in view of the deficiencies of the Conley reference.

Claims 1 and 11 have been amended to more clearly recite the vertical and transverse orientation of the spray barrier that blocks outward spray and directs the same downwardly at a defined drip edge for preventing unwanted application beyond a border. In the Office Action, Examiner asserted that such a function was provided by shield 23 of Kubacak. Reconsideration of the applicability of this reference is requested. At nowhere in the specification is shield 23 taught to be a barrier. Moreover, the shield is not vertical and transverse and does not block outward spray. Further, the drawings do not suggest that the spray pattern is affected by the shield 23. Figures 3 and 4 clearly demonstrate that whatever may be the function of the

shield, the outward spray pattern is not affected by the shield. Further, claim 3 recites that the shield is for "protection of the nozzles from the impact of obstructions". Properly understood, this reference cannot be regarded as applicable to claims 1 and 3. This is considered additional grounds for the patentability of claims 1 and 11.

For the foregoing reasons, it is submitted that claims 1 through 13 recite patentable novelty over the cited prior art and allowance thereof is respectfully requested.

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Respectfully submitted,

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